



REMARKS

Claims 54, 58, and 59 are pending and were rejected in a Final Office Action mailed May 16, 2002. New claims 67-72 have been added by this amendment.

THE RULE 131 DECLARATION OVERCOMES THE FUJIMOTO REJECTION

In the Office Action, the Examiner contended that the Rule 131 declaration was insufficient, principally because the Applicant inadvertently omitted supporting exhibits referred to in the declaration. The Applicant includes with this response a more detailed Rule 131 declaration to overcome the asserted deficiency.

Conception is shown prior to Fujimoto. The Office Action rejected the pending claims under Section 102 based on Fujimoto, which has a priority date of October 27, 1992. The accompanying declaration of Stephen J. Brown establishes that conception occurred long before that date. At least as early as October 2, 1992, the patent attorney for the Applicant submitted a draft of the patent application to the Applicant for review. That draft, which is attached to the declaration, includes all of the elements in the pending claims, including a patient data input and receiver (see generally page 8), a processor (see page 9), and remote communications link (see page 14). The affidavit and declaration therefore establish conception of the claimed invention at a time prior to the Fujimoto priority date.

Diligence is shown during the relevant period. In this case, diligence need only be shown between sometime just prior to October 27, 1992 until reduction to practice on November 17, 1992. Following receipt of the draft on October 2, 1992, the Applicant diligently worked with the patent attorney to further revise the draft application toward constructive reduction to practice. Thus, the Applicant met with the patent attorney in person, and discussed the application by phone as well. On November 5, 1992, the patent attorney submitted an additional draft, incorporating the inventor's comments and soliciting further feedback. On November 11, 1992, the patent attorney provided claims for review, again soliciting inventor comments. In addition, during the relevant period the attorney handled numerous matters for



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multiple clients in a chronological and expeditious manner. Accordingly, the Applicant has established diligence during the required three-week period between the priority date and constructive reduction to practice.

Because Fujimoto is the only reference cited in the Office Action, Applicant believes that the submission of the Rule 131 Declaration overcomes the basis for rejection and places the application in condition for allowance.

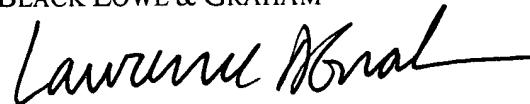
New claims 67-69 depend from claim 54, and are therefore allowable because claim 54 is allowable after overcoming Fujimoto. Claim 70 is similar to independent claim 54, but eliminates the “means” language included in several limitations of claim 54.

CONCLUSION

Applicant requests reconsideration and allowance of all pending claims.

Respectfully submitted,

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